

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 4

WHYY, INC.

Employer

and

Case 04-RC-249398

SCREEN ACTORS GUILD - AMERICAN  
FEDERATION OF TELEVISION AND RADIO  
ARTISTS (SAG-AFTRA)

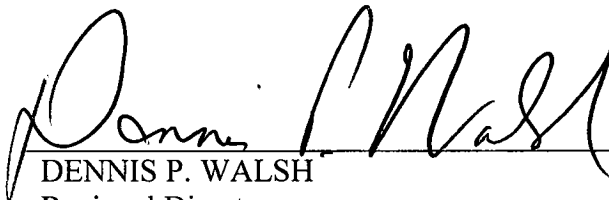
Petitioner

**ORDER RESCHEDULING HEARING**

**IT IS HEREBY ORDERED** that the hearing in the above-entitled matter is rescheduled from October 15, 2019 at 10:00 AM to Thursday, October 17, 2019 at 10:00 AM in the Regional Office, The Wanamaker Building, 100 Penn Square East, Suite 403, Philadelphia, PA 19107. The hearing will continue on consecutive days until concluded.

The due date for filing the Statement of Position in this matter is also extended, and it must be filed with the Regional Director and served on the parties listed on the petition **by no later than noon Eastern time on Wednesday, October 16, 2019**. The Statement of Position may be e-Filed but, unlike other e-Filed documents, must be filed by noon Eastern time on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position is not required to be filed.

Dated: October 11, 2019

  
DENNIS P. WALSH  
Regional Director  
National Labor Relations Board, Region 04  
100 E Penn Square, Suite 403  
Philadelphia, PA 19107

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**WHYY, Inc.**

**Case 04-RC-249398**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, WHYY, Inc., a Pennsylvania non-profit corporation with a studio facility located at 150 N. 6<sup>th</sup> St., Philadelphia, Pennsylvania, is engaged in the business of broadcast communications. During the past 12-month period, the Employer's gross volume of business was in the excess of \$100,000 from the operation of its broadcasting operations and during the same period of time, the Employer purchased and received goods and services valued in excess of \$5,000 directly from points located outside the Commonwealth of Pennsylvania.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** Wednesday, October 30, 2019      **HOURS:** 8:00 a.m. to 10:00 a.m. AND  
4:00 p.m. to 6:00 p.m.

**PLACE:** In the Metro Room at the Employer's facility located at 150 N. 6<sup>th</sup>  
St., Philadelphia, PA.

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**INCLUDED:** All full-time and regular part-time employees of WHYY, Inc. who create content for Television, Radio and Digital platforms including Producers, Directors, Associate Producers, Reporters, Sr. Reporter, South NJ Reporter, Multimedia Reporter, Morning News Associate, FM Art Desk Reporter, Afternoon FM Host, Afternoon Host/Anchor, Statehouse/NJ Reporter, GA reporter,

Initials: \_\_\_\_\_

Producer & Host Morning Edition, Reporter/Producer/Host, Education Reporter Delaware, General Assignment Reporter Delaware, Producer Radio Times, Producer, Reporter Keystone Crossroads, Engagement Editor PlanPhilly, Reporter PlanPhilly, Data Reporter, Associate Web Producer, Community Editor, Videographer, Multimedia Content Producer, News Editor/Producer, Producer/Reporter the Pulse, Associate Producer the Pulse, Reporter the Pulse, Multimedia Health Science Reporter, Video Producer, Line Producer, Video and Web Producer/Director, Producer Reporter and Host, Video Producer Check Please, Associate Producer Check Please, Reporter Billy Penn, Political Editor Billy Penn, Manager On Demand Audio and Podcast, Web Administrator and Producer, Social Media Specialist, Associate Producer On Air, Sr. Producer Promotions, Promotions Producer, Digital Marketing Coordinator, Marketing and Communications Editor employed by the Employer from its 150 N. 6<sup>th</sup> Street, Philadelphia, PA facility.

**EXCLUDED:** All other employees, including President's Office employees, Media Education employees, Foundations/Corporate Support/Major Gifts & Underwriting (Institutional Advancement) employees, Administrative Services employees, Finance and Analysis employees, Office Clerical employees, employees currently represented by a labor union, Interns, Managers, Guards and Supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 6, 2019**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**Others permitted to vote:** The parties have agreed that the **News Production/Project Manager, Newsroom Coordinator, Community Relations Coordinators, Graphics & Multimedia Designer, Sr. Designer, Radio Operations Associate, Radio Operations Assistant, Web Developer, and Programming & Production Coordinator** may vote in the election, but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information

Initials: \_\_\_\_\_

(including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA)?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative: Ruth Clauser, VP Administration, Independence Mall West, 150 N. 6<sup>th</sup> St., Philadelphia, PA 19106; rclauser@why.org.

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

Initials: \_\_\_\_\_

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**WHYY, Inc.**  
\_\_\_\_\_  
(Employer)

**Screen Actors Guild - American Federation  
of Television and Radio Artists  
(SAG-AFTRA)**  
\_\_\_\_\_  
(Petitioner)

**By** /s/ William Marrazzo 10/15/19  
(Name) (Date)

**By** /s/ Joshua S. Mendelsohn 10/15/19  
(Name) (Date)

**Recommended:** /s/ Joanne M. Sacchetti  
JOANNE M. SACCHETTI, Field Examiner  
(Date) 10/15/19

**Date approved:** 10/16/19

/s/ Dennis P. Walsh  
\_\_\_\_\_  
**Regional Director, Region 04**  
**National Labor Relations Board**

Initials: \_\_\_\_\_



**United States of America**  
**National Labor Relations Board**  
**NOTICE OF ELECTION**



**PURPOSE OF ELECTION:** This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

**SECRET BALLOT:** The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

**ELIGIBILITY RULES:** Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

**SPECIAL ASSISTANCE:** Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

**PROCESS OF VOTING:** Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

**CHALLENGE OF VOTERS:** If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

**AUTHORIZED OBSERVERS:** Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.



**United States of America  
National Labor Relations Board  
NOTICE OF ELECTION**



**VOTING UNIT 04-RC-249398**

**EMPLOYEES ELIGIBLE TO VOTE:**

Those eligible to vote are: All full-time and regular part-time employees of WHYY, Inc. who create content for Television, Radio and Digital platforms including Producers, Directors, Associate Producers, Reporters, Sr. Reporter, South NJ Reporter, Multimedia Reporter, Morning News Associate, FM Art Desk Reporter, Afternoon FM Host, Afternoon Host/Anchor, Statehouse/NJ Reporter, GA reporter, Producer & Host Morning Edition, Reporter/Producer/Host, Education Reporter Delaware, General Assignment Reporter Delaware, Producer Radio Times, Producer, Reporter Keystone Crossroads, Engagement Editor PlanPhilly, Reporter PlanPhilly, Data Reporter, Associate Web Producer, Community Editor, Videographer, Multimedia Content Producer, News Editor/Producer, Producer/ Reporter the Pulse, Associate Producer the Pulse, Reporter the Pulse, Multimedia Health Science Reporter, Video Producer, Line Producer, Video and Web Producer/Director, Producer Reporter and Host, Video Producer Check Please, Associate Producer Check Please, Reporter Billy Penn, Political Editor Billy Penn, Manager On Demand Audio and Podcast, Web Administrator and Producer, Social Media Specialist, Associate Producer On Air, Sr. Producer Promotions, Promotions Producer, Digital Marketing Coordinator, Marketing and Communications Editor employed by the Employer from its 150 N. 6th Street, Philadelphia, PA facility who were employed by the Employer during the payroll period ending October 6, 2019.

**EMPLOYEES NOT ELIGIBLE TO VOTE:**

Those not eligible to vote are: All other employees, including President's Office employees, Media Education employees, Foundations/Corporate Support/Major Gifts & Underwriting (Institutional Advancement) employees, Administrative Services employees, Finance and Analysis employees, Office Clerical employees, employees currently represented by a labor union, Interns, Managers, Guards and Supervisors as defined by the Act.

**OTHERS PERMITTED TO VOTE:** The parties have agreed that the News Production/Project Manager, Newsroom Coordinator, Community Relations Coordinators, Graphics & Multimedia Designer, Sr. Designer, Radio Operations Associate, Radio Operations Assistant, Web Developer, and Programming & Production Coordinator may vote in the election, but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

**DATE, TIME AND PLACE OF ELECTION**

Wednesday, October 30, 2019	8:00 AM to 10:00 AM and 4:00 PM to 6:00 PM	In the Metro Room at the Employer's facility located at 150 N. 6th St., Philadelphia, Pennsylvania.
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**EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.**

**ALL BALLOTS WILL BE MINGLED AND COUNTED IMMEDIATELY AFTER THE CONCLUSION OF THE LAST VOTING SESSION.**

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



**United States of America  
National Labor Relations Board  
NOTICE OF ELECTION**



	<p><b>UNITED STATES OF AMERICA</b> <b>National Labor Relations Board</b> 04-RC-249398</p> <p><b>OFFICIAL SECRET BALLOT</b> For certain employees of <b>WHYY, INC.</b></p>	
<p>Do you wish to be represented for purposes of collective bargaining by <b>SCREEN ACTORS GUILD / AMERICAN FEDERATION OF TELEVISION AND RADIO ARTISTS (SAG-AFTRA)?</b></p>		
<p><b>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</b></p>		
<p><b>YES</b></p> <div></div>		<p><b>NO</b></p> <div></div>
<p><b>DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box.</b> If you spoil this ballot, return it to the Board Agent for a new one.</p> <p>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</p>		



# United States of America National Labor Relations Board **NOTICE OF ELECTION**



## RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- **Form, join, or assist a union**
- **Choose representatives to bargain with your employer on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities**
- **In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).**

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- **Threatening loss of jobs or benefits by an Employer or a Union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election**
- **Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a Union or an Employer to influence their votes**

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (215)597-7601 or visit the NLRB website [www.nlrb.gov](http://www.nlrb.gov) for assistance.